

Attorney Docket No.: 4402-003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
FOR THE UNITED STATES RECEIVING OFFICE OF THE
PATENT COOPERATION TREATY

Applicant/Inventor : CAPLYGIN, Dimitri
 U.S. Serial No. : 10/018,733
 U.S. Filing Date : 18 December 2001 (18.12.2001)
 International Patent Application No.: : PCT/AU00/00661
 International Filing Date : 15 June 2000 (15.06.2000)
 Earliest Claimed Priority : 15 June 1999 (15.06.1999)
 Title of Invention : SYSTEM FOR ENHANCEMENT OF
 NEUROPHYSIOLOGICAL PROCESSES
 Examiner : To Be Assigned
 Group Art Unit : To Be Assigned

Box PCT
 Attention: PCT Legal Division
 Assistant Commissioner for Patents
 Washington, D.C. 20231

CERTIFICATE OF EXPRESS MAIL UNDER 37 CFR §1.10

Express Mail Label # EL803248045US
 Date of Deposit April 10 2002

I hereby certify that this paper and/or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and is address to: Box PCT, Attention: PCT Legal Division, Asst. Commissioner for Patents, Washington, DC 20231.

Belinda J. Hunter
 HUNTER, Belinda J.

PETITION TO CORRECT US NATIONAL PHASE FILING DATE
UNDER PCT RULES 82.1(b) AND 48(2)
AND IN VIEW OF 37 CFR §1.10(d)

S I R :

Applicant has not yet received a *Notification of Acceptance of Application Under 35 USC §371 (Form PCT/DO/EO/905)* or official U.S. filing receipt. Applicant's undersigned attorneys

wish to address a discrepancy between the actual date of deposit of the above-identified U.S. national phase patent application and the "Date In" indicated by the United States Post Office on express mail label EL803336252US (in order to preserve applicant's right to the earliest claimed priority in this case).

For the reasons detailed hereinbelow, applicant hereby requests that the date of receipt of the 35 USC §371(c)(1), (c)(2) and (c)(4) requirements and the date of receipt of all 35 USC §371 requirements be corrected to December 17, 2001. The relevant facts pertaining to this petition are as follows:

1. After the terrorist attacks on the United States of America in New York-NY and the nation's capitol in Washington-DC on Tuesday, September 11, 2001, express mail service from New York state to the Washington-DC area was temporarily interrupted. On Friday, November 29, 2001, the United States Postal Service (hereinafter "USPS") officially announced a suspension of express mail service to zip codes 202XX-205XX; which zip code range includes 20231 for the United States Patent and Trademark Office (hereinafter "USPTO"). Thereafter, the USPTO posted a public bulletin on the home page of their web site at www.uspto.gov establishing an alternate address at Arlington-VA 22202 for delivery of such packages. However, on Thursday, November 29, 2001, the USPS terminated this suspension. Therefore, by December 17, 2001, delivery of express mail packages to zip code 20231 (the USPTO, for example) had resumed. See Exhibit A.

2. On Monday, December 17, 2001, between 5:00 p.m. and 5:30 p.m., JUAN COLON, a mailroom attendant employed by applicant's U.S. patent agent, Gottlieb Rackman & Reisman PC, located at 270 Madison Avenue, New York, NY 10016-0601, telephone number 212-684-

3900, hand-delivered an express mail package bearing express mail label EL803336252US (see Exhibit B a true copy pursuant to 37 CFR §1.10(c)(3)) to the United States Post Office at Grand Central Station (hereinafter "USPS-GC"), located at 450 Lexington Avenue, New York, NY 10017, telephone number 212-330-5831. In accordance with 37 CFR §1.10(d)(2), applicant encloses herewith at Exhibit C, a true copy of the return receipt postcard stamped by the United States Receiving Office which bears an applied sticker from express mail label EL803336252US and the receipt date of December 18, 2001 although the actual date of deposit date was December 17, 2001. Said express mail package was addressed from Gottlieb Rackman & Reisman PC to the USPTO at "Box Patent Application, Assistant Commissioner for Patents, Washington, DC 20231" using the USPS express mail post office to addressee service in accordance with 37 CFR §1.10(a).

In *Declaration of Mr. Juan Colon* (see Exhibit D), Mr. Colon deposes and says that he personally deposited said express mail package in the Express Mail Depository Box located inside the USPS-GC facility prior to the last scheduled sweep of express mail packages from this drop-box which is 8:00 p.m. In support hereof, please also see Exhibit F which is a true copy of the firm's daily outgoing *Express Mail Log*.

3. On Monday, December 17, 2001, INDRA MOLLER, a receptionist employed by applicant's U.S. patent agent, Gottlieb Rackman & Reisman PC, located at 270 Madison Avenue, New York, NY 10016-0601, recorded in the firm's daily outgoing *Express Mail Log* an entry for express mail label EL803336252US prior to hand-delivery by Mr. Colon to the USPS-GC. See *Declaration of Ms. Indra Moller* at Exhibit E. See also Exhibit F which is a true copy of the firm's daily outgoing *Express Mail Log* which is maintained by Ms. Moller.

4. After a patent paralegal employed by the law offices of Gottlieb Rackman & Reisman PC conducted a persistent telephone investigation with the main USPS in New York City (hereinafter "USPS-NYC"), Expedited Services Department, located in the JAF Building, at 421 8th Avenue, Room 5008, New York, NY 10199-9617, telephone number 212-330-3100, applicant submits herewith the *Declaration of Ms. Trevis Evans* at Exhibit G.

Ms. Evans is an administrative assistant employed by the USPS-NYC who, being well advised in express mail procedures, conducted an internal investigation regarding the discrepancy between applicant's claimed express mail deposit date of December 17, 2001 and the "Date In" of December 18, 2001 as indicated on express mail label EL803336252US; and the discrepancy between zip code 10017 for originating post office USPS-GC and another post office functioning as a hub station in zip code 10150 where said express mail package was not deposited by applicant's patent attorneys.

In her declaration, Ms. Evans, deposes and says that the USPS-GC had received a high volume of express mail on December 17, 2001 after 5:00 p.m. which affected normal post office handling procedures. Applicant hereby submits this evidence pursuant to 37 CFR §1.10(d)(3).

In view of the facts and evidence presented hereinabove, applicant hereby requests that the date of receipt of the 35 USC §371(c)(1), (c)(2) and (c)(4) requirements and the date of receipt of all 35 USC §371 requirements in the above-identified U.S. national phase patent application be corrected to December 17, 2001. In accordance with 37 CFR §1.10(d), applicant maintains that the "Date In" of December 18, 2001 on express mail label EL803336252US was entered incorrectly by the USPS. Hence, under normal circumstances at the USPS-GC, express mail label EL803336252US would have and should have been accorded a "Date In" of

December 17, 2001.

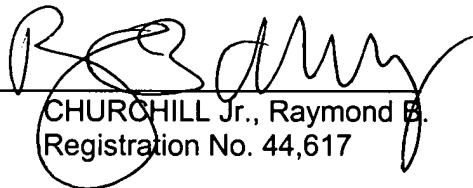
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application any patent issuing thereon or any patent to which this declaration is directed.

Dated: April 9, 2002
New York, New York

Respectfully submitted,

GOTTLIEB RACKMAN & REISMAN PC
Attorneys for Applicant
270 Madison Avenue
New York, New York 10016-0601
Telephone: 212 684 3900
Telefax: 212 684 3999

By:


CHURCHILL Jr., Raymond B.
Registration No. 44,617

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UNITED STATES PATENT AND TRADEMARK OFFICE

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Related Notices < Termination of the Suspension

Termination of the Suspension of the "Express Mail" Service of United States Postal Service for mail addressed to ZIP Codes 202xx through 205xx

On Friday, November 16, 2001, the United States Postal Service (USPS) temporarily suspended Express Mail service to Washington, D.C., ZIP Codes 202xx through 205xx (e.g., 20231). On Tuesday, November 20, 2001, the United States Patent and Trademark Office (USPTO) posted a notice on its Internet Web site (<http://www.uspto.gov/september11/uspsmaildisrup.htm>) establishing an Arlington, VA 22202 address for use on an emergency basis for patent-related correspondence being delivered to the USPTO by the USPS's Express Mail service.

On Thursday, November 29, 2001, the USPS indicated that this suspension of Express Mail service has been terminated. Since the USPS has terminated this suspension of Express Mail service, patent-related correspondence being delivered to the USPTO by the USPS (either by first class or Express Mail service) should now be addressed as set forth in 37 CFR 1.1(a)(1); that is, patent-related correspondence should now be addressed:

Assistant Commissioner for Patents
Washington, DC 20231.

While the USPTO prefers that patent-related correspondence be addressed as set forth in 37 CFR 1.1(a)(1) (i.e., to the above Washington, DC 20231 address), the USPTO will continue to accept patent-related correspondence at the Arlington, VA 22202 address indicated in the notice published on November 20, 2001 on the USPTO's Internet Web site and treat such correspondence as if it were addressed as set forth in 37 CFR 1.1 for purposes of 37 CFR 1.8 and 1.10 until further notice.

Questions concerning this notice should be directed to Cynthia Nessler, Legal Advisor, Office of Patent Legal Administration at (703) 308-6906.

Date: December 5, 2001

Signed /s/
Nicholas P. Godici
Acting Under Secretary of
Commerce for Intellectual
Property and
Acting Director of the United
States Patent and Trademark
Office

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Last Modified: Wednesday, December 31, 1969 16:00:00

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TECHNOLOGY CENTER R3700

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POST OFFICE
TO ADDRESSEE



EL 803336252 US

UNITED STATES POSTAL SERVICE®

ORIGIN (POSTAL USE ONLY)		
PO ZIP Code 10150	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date in 12/18/01	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 16.25
Time in 1950	<input type="checkbox"/> 1st Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Weight 1 lb. 15 oz.	Int'l Alpha Country Code	COD Fee Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials IR	Total Postage & Fees \$ 16.25

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270 MADISON AVE FL 8
NEW YORK NY 10016-0605

TO: (PLEASE PRINT) PHONE
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ATTN: NATIONAL PHASEE PROCESSING DIV
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WASHINGTON DC 20231

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4402-28 MTR/WBC/BH

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Date 12.17.2001 Atty MIR/RBC/BH

Re: CAPLYGIN, Dimitri: SYSTEM FOR ENHANCEMENT OF NEUROPHYSIOLOGICAL PROCESSES

Client/Matter (Docket) No. 4402-003

Based on PCT/AU00/00661

S/N To Be Assigned R/N _____ P/N _____

Title or Description of Enclosures Transmittal Ltr RO/US-2pp with page 2 in duplicate; PCT Publication PCTAU00/00661 (WO 00/77760) with Intl Search Report-54pp; PCT IPER with Amended Sheets-18pp; Cheque \$1424

EL803336252US

10/018733

The stamp of the Patent Office mailroom hereon indicates receipt of the identified document(s) on the date of such stamp.

Gottlieb, Rackman & Reisman, P.C.

RECEIVE
JAN 10 2002

GOTTLIEB, RACKMAN & REISMAN, P.C.



Gottlieb, Rackman & Reisman, P.C.
270 Madison Avenue - 8th Floor
New York, New York 10016-0601

Attention: Docketing

37 recycled



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

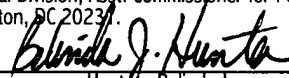
Applicant : CAPLYGIN, Dimitri
Serial No. : 10/018,733
Filing Date : December 18, 2001
Title : SYSTEM FOR ENHANCEMENT OF NEUROPHYSIOLOGICAL
PROCESSES
Examiner : To Be Assigned
Group Art Unit : To Be Assigned

Box PCT
Attention: PCT Legal Division
Assistant Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE OF EXPRESS MAIL UNDER 37 CFR §1.10

Express Mail Label # EL803240451US
Date of Deposit April 10, 2002

I hereby certify that this paper and/or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and is address to: Box PCT, Attention: PCT Legal Division, Asst. Commissioner for Patents, Washington, DC 20231.


Hunter, Belinda J.

DECLARATION OF MR. JUAN COLON
IN SUPPORT OF PETITION TO CORRECT US FILING DATE

S I R :

I, JUAN COLON, hereby declare that:

1. I am a full-time Mailroom Attendant employed with the law offices of Gottlieb Rackman & Reisman PC, located at 270 Madison Avenue, 8th Floor, New York, NY 10016-0601, telephone number 212 684 3900. I have been employed in the firm's Office Services Department for a little over one year.
2. My daily responsibilities include delivering the firm's express mail packages to the United States Post Office at Grand Central Station (hereinafter "USPS-GC"), located at 450

Lexington Avenue Front, New York, NY 10017.

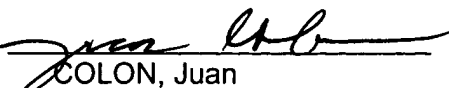
3. On Monday, December 17, 2001, between 5:00 p.m. and 5:30 p.m., I personally delivered a small batch of express mail packages from the firm to USPS-GC. This batch included one package bearing express mail label EL803336252US addressed from the firm to "Box Patent Application, Assistant Commissioner for Patents, Washington, DC 20231" (see Exhibit F). I deposited this package in the Express Mail Depository Box located inside the USPS-GC facility nearest the main entrance at 450 Lexington Avenue, and prior to the last scheduled sweep of express mail packages from this drop-box which is 8:00 p.m., Mondays through Fridays.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application any patent issuing thereon or any patent to which this declaration is directed.

Dated: April 9, 2002
New York, New York

Respectfully submitted,

GOTTLIEB RACKMAN & REISMAN PC
Attorneys for Applicant
270 Madison Avenue
New York, New York 10016-0601
Telephone: 212 684 3900
Telefax: 212 684 3999

By: 
COLON, Juan
Mailroom Attendant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

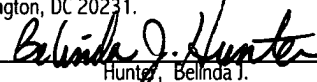
Applicant : CAPLYGIN, Dimitri
Serial No. : 10/018,733
Filing Date : December 18, 2001
Title : SYSTEM FOR ENHANCEMENT OF NEUROPHYSIOLOGICAL
PROCESSES
Examiner : To Be Assigned
Group Art Unit : To Be Assigned

Box PCT
Attention: PCT Legal Division
Assistant Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE OF EXPRESS MAIL UNDER 37 CFR §1.10

Express Mail Label # EL803240451US
Date of Deposit April 12, 2002

I hereby certify that this paper and/or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and is address to: Box PCT, Attention: PCT Legal Division, Asst. Commissioner for Patents, Washington, DC 20231.


Hunter, Belinda J.

DECLARATION OF MS. INDRA MOLLER
IN SUPPORT OF PETITION TO CORRECT US FILING DATE

S I R :

I, INDRA MOLLER, hereby declare that:

1. I am a full-time Receptionist employed with the law offices of Gottlieb Rackman & Reisman PC, located at 270 Madison Avenue, 8th Floor, New York, NY 10016-0601, telephone number 212 684 3900. I have been employed in the firm's Office Services Department for 3½ years.

2. My responsibilities include making daily entries in the firm's outgoing Express Mail Log prior to the delivery of express mail packages to the United States Post Office at Grand

Central Station (hereinafter "USPS-GC"), located at 450 Lexington Avenue Front, New York, NY 10017.

3. On Monday, December 17, 2001, I recorded in the firm's outgoing *Express Mail Log* express mail label EL803336252US addressed from the firm to "Box Patent Application, Assistant Commissioner for Patents, Washington, DC 20231". See Exhibit F.

4. To the best of knowledge, said express mail package was delivered to the USPS-GC by the firm's mailroom attendant as usual and prior to the firm's closing time of 6:00 p.m.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application any patent issuing thereon or any patent to which this declaration is directed.

Dated: April 9, 2002
New York, New York

Respectfully submitted,

GOTTLIEB RACKMAN & REISMAN PC
Attorneys for Applicant
270 Madison Avenue
New York, New York 10016-0601
Telephone: 212 684 3900
Telefax: 212 684 3999

By: 

MOLLER, Indra
Receptionist

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DATE	ADDRESSED TO:	ATTORNEY	CLIENT/MATTER	EXPRESS MAIL NO.
12/17	Com for Patents	MIR/RBC/BH	4402/003	EL803336252 US.
"	Com for Patents	GR/TW/BH	0211/212	EL803336270 US.
"	"	MIR/TW/BH	3464/033	EL803336266 US.
12/18	Com TPM	J. Hawke	3553/003	EL803336244 US.
12/18	Com TPM	J. Hawke	3553/002	EL803336244 US.
12/19	Com of Trademarks	S. Mirman Broome	0273/273	EL814937244 U.S.
12/19	Asst Com Patents	RBC/BH	3869/007	EL803335977 U.S.
12/19	Asst Com TH's	DHB/AS	4410/203	EL814937257 U.S.
12/19	Com for Patents	GRK/SS/MP	4046/4	EL803333640 US.
12/19	Com for Patents	MIR/TW/BH	1473/070	EL803336283 US.
12/20	Asst Com Patents	JRK/AS	3807/009	EL814937567 U.S.
12/27	Com for Patents	ABG/MM	3961/344	EL803247376 US.
12/28	Com for Patents	ABG	2818/031	EM247793572 US.
12/28	Com for Patents	AIR/ZVC	211/213	EL803335637 US.
12/28	Com for Patents	ABG/MM/4059	004, 003, 005,	EL803247380 US.
1/3/28	Com for Trademarks	Grace	706/125	EL291841771 U.S.
1/4/02	Com for Patents	BAC	3880/4	EL291841796 US.
"	Com for Patents	GR/AIR/PH	3798/009	EL803336297 US.

Attorney Docket No.: 4402-003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : CAPLYGIN, Dimltri
Serial No. : 10/018,733
Filing Date : December 18, 2001
Title : SYSTEM FOR ENHANCEMENT OF NEUROPHYSIOLOGICAL
PROCESSES
Examiner : To Be Assigned
Group Art Unit : To Be Assigned

Box PCT
Attention: PCT Legal Division
Assistant Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE OF EXPRESS MAIL UNDER 37 CFR §1.10	
Express Mail Label #	EL803248045US
Date of Deposit	March 19, 2002
I hereby certify that this paper and/or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and is address to: Asst. Commissioner for Patents, Washington, DC 20231	
<i>Belinda J. Hunter</i> Belinda J. Hunter	

DECLARATION OF MS. TREVIS EVANS

SIR:

I, TREVIS EVANS, hereby declare that:

1. I am an Administrative Assistant employed with the United States Postal Service of New York City (hereinafter "USPS-NYC") in the Expedited Services Department located in the JAF Building, at 421 8th Avenue, Room 5008, New York, New York 10199-9617 (the main post office facility for New York City), telephone number 212-330-3100. I have been employed in this department for (6) years although I have been employed with the USPS for a total of (30) years.

2. On February 19, 2002, I received a telephone call from Belinda J. Hunter, a Patent Paralegal, from applicant's patent attorneys office, Gottlieb Rackman & Reisman PC

(hereinafter "GRR"), located at 270 Madison Avenue, New York, New York 10016-0801. I am aware that the applicant is petitioning for a corrected filing date in the above-identified patent application.

3. I have conducted an internal investigation of USPS-NYC records for express mail label EL803336252US and I have determined the following:

A. I understand that an express mail package addressed to the United States Patent and Trademark Office bearing express mail label EL803336252US was deposited by GRR's mailroom attendant on Monday, December 17, 2001 between 5:00 p.m. and 5:30 p.m. (prior to the last pick-up time of 8:00 p.m.) in an Express Mail Depository Box inside the main entrance of the United States Post Office at Grand Central Station (hereinafter "USPS-GC") located at 450 Lexington Avenue Front, New York, New York 10017.


B. According to my investigation, said express mail label received a handwritten "Date In" of December 18, 2002 by a postal employee and was indicated as having been received by the Franklin D. Roosevelt post office (hereinafter "the USPS-FDR") in zip code "10150" which differs from the applicant's claimed deposit date of December 17, 2001 in USPS-GC in zip code 10017. The differences between these dates and originating zip codes was due to receipt of a high volume of express mail package from a collections depositories after 5:00 p.m. at the USPS-GC on December 17, 2001 which affected normal post office handling procedures.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application any patent issuing thereon or any patent to which this declaration is directed.

Dated: March 19, 2002
New York, New York

Respectfully submitted,

UNITED STATES POSTAL SERVICE OF
NEW YORK CITY
Expedited Services Department
JAF Building
421 8th Avenue, Room 5008
New York, New York 10199-9617
Telephone: 212 330 3100
Telefax: 212 330 3555

By: 
EVANS, Trevis
Administrative Assistant